

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bank. Case No. 10-40718
	)	Chapter 13
LAWRENCE WILLIAM LEIFERMAN,	)	
aka Larry Leiferman,	)	ATTORNEYS GERRY & KULM
SSN/ITIN: xxx-xx-2756,	)	ASK'S APPLICATION FOR FEES
	)	
and	)	
	)	
BARBARA JEAN LEIFERMAN,	)	
SSN/ITIN: xxx-xx-1106,	)	
	)	
Debtors.	)	

Gerry & Kulm Ask, attorneys for the above-named Debtors, hereby make application for the payment of certain fees as attorneys employed under §327 pursuant to 11 U.S.C. §§330(a) and 503(b)(2). In support of this application, they respectfully state:

1. This is an application made pursuant to 11 U.S.C. §§ 327, 328 and 330 for allowance of compensation for legal services rendered by applicants as attorneys for the above-named Debtors to represent Debtors in a Chapter 13 bankruptcy. Under the terms of the employment, the attorney was to be paid \$260.00 per hour for the legal services of Clair R. Gerry, \$175.00 per hour for the legal services of Laura L. Kulm Ask and \$120.00 per hour for the services of the certified paralegal, plus actual and necessary expenses including sales tax.

2. The services were rendered, and the expenses were incurred, from August 20, 2010, through April 5, 2011. The services rendered by the attorneys include legal research, preparation of documents, court appearances, and conferences with various parties, all as is more fully detailed on the attached itemization. All services have been rendered and all expenses have been incurred.

3. As more specifically set forth on the itemization attached to this application, the attorneys seek \$3,125.28 in compensation for services rendered, \$187.52 for sales tax based on an applicable rate of 6%, and \$387.20 for reimbursement of expenses.

4. Debtors paid attorneys the retainer of \$1,700.00 on August 23, 2010. No

other payments have been received.

5. Attorneys have no agreement or understanding with anyone to share the fees requested.

WHEREFORE, applicants respectfully request as a Chapter 13 administrative expense, a fee award from the bankruptcy estate for \$3,125.28 in compensation for services, \$187.52 for sales tax, and \$387.20 for expenses incurred for a total fee award of \$3,700.00; that attorneys be authorized to draw down and apply their retainer of \$1,700.00; and that the balance of \$2,000.00 be paid by Trustee Dale A. Wein pursuant to the terms of Debtors' confirmed plan.

Dated at Sioux Falls, South Dakota, this 10<sup>th</sup> day of May, 2011.

GERRY & KULM ASK, PROF LLC:

BY: /s/ Clair R. Gerry  
CLAIR R. GERRY  
Attorney for Debtors  
507 W. 10<sup>th</sup> Street  
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## STATEMENT OF SERVICES AND EXPENSES

## ALL SERVICES PERFORMED AND ALL EXPENSES ADVANCED

## I.

STATEMENT OF EXPENSES ADVANCED

See itemization of expenses advanced which is a part of the statement of services, a copy of which is attached hereto. \$ 387.20

## II.

RECAPITULATION OF SERVICES RENDERED

## A. Professional services performed

Clair R. Gerry	7.50 hrs. @ \$260.00	1,950.00
Laura K. Kulm Ask	1.25 hrs. @ \$175.00	218.75
Gay Dempsey, CP	11.75 hrs. @ \$120.00	<u>1,410.00</u>

Total compensation for services	3,578.75
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B. Sales tax at 6%	214.73
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C. Total expenses incurred	<u>387.20</u>
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D. Total of expenses, compensation and sales tax	\$4,180.68
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E. Voluntary reduction per agreement with Debtors	( <u>480.68</u> )
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F. Amount requested for approval	\$3,700.00***
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G. Retainer held in Trust	( <u>1,700.00</u> )
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H. Total due through Chapter 13 Plan	\$2,000.00
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## \*\*\*Breakdown of Amount Requested for Approval

Compensation for services	\$3,125.28
6% Sales Tax	187.52
Expenses	<u>387.20</u>

Total	\$3,700.00
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## Clair R. Gerry:

08/24/10	Contact attorney on foreclosure	.25
08/24/10	Review Schedules, B22c and tax return	.50
09/01/10	State foreclosure action	.50
09/01/10	Plan and feasibility	.50
10/12/10	Review Trustee's Plan Objection	.25
10/29/10	Review Mortgage for security questions	.50
11/04/10	Telephonic court	.25
12/01/10	Research Mortgage modification cases	.50
12/03/10	Dictate Brief on Mortgage modification issue	1.00
12/06/10	On 1322(b)(2) issues	.75
12/06/10	Changes in Brief	.50
12/09/10	Review Wells Fargo Brief	.50
01/19/11	Review court decision	.25
03/04/11	Work on Plan changes	.50
04/04/11	Trustee's Plan Objection, E-Mail attorney on "priority" claim	.50
04/05/11	E-Mails with City on claim	.25
Total Hours – Clair		7.50

## Laura L. Kulm Ask:

10/06/10	Review file to prepare for 341 meeting	.50
10/06/10	Attend 341 meeting and meet with clients prior to and after meeting	.75
Total Hours – Laura		1.25

## Gay Dempsey, CP:

08/20/10	Office conference with clients regarding Chapter 13	1.50
08/24/10	Work on Schedules	3.00
08/24/10	Office conference to review and sign Schedules, file Bankruptcy	1.50
08/31/10	Work on Plan	1.00
09/03/10	Office conference to review and sign Plan	1.00
09/07/10	File and serve Plan	.50
01/24/11	TC with Barb regarding new Plan	.25
01/26/11	Office conference with Barb regarding Plan payments, etc.	1.00
01/27/11	Prepare Modified Plan	.75
03/10/11	TC with Shan, prepare Notice of Hearing and Certificate of Service, call to Barb regarding Modified Plan	.75
03/11/11	Office conference to review and sign Modified Plan	.50
Total Hours – Gay		11.75

## Expenses:

08/24/10	Judgment search and copies	18.00
08/24/10	Chapter 13 filing fee	274.00
08/24/10	Xerox – Schedules to clients	11.10
08/24/10	Postage – Schedules to clients	.61
09/07/10	Xerox – Plan	24.00
09/07/10	Postage – Plan	8.80
09/15/10	Xerox – 341 Notice to clients	.30
09/15/10	Postage – 341 Notice to clients	.44
10/07/10	Postage – Plan to clients	.61
01/07/11	Lexis computer research fee	29.76
03/14/11	Xerox – Modified Plan	9.90
03/14/11	Postage – Modified Plan	9.68
	Total Expenses	\$387.20